

**CITY OF BRIGHTON, COLORADO**  
**REGULAR SESSION**  
**APRIL 15, 2014**  
**7:00 P.M.**

**\*THERE IS A 5-MINUTE  
LIMIT TO ADDRESS  
COUNCIL.**

**MAYOR  
MAYOR PRO-TEM  
  
COUNCIL MEMBERS**

- **RICHARD N MCLEAN**
- **KIRBY WALLIN**
- **LYNN BACA**
- **REX BELL**
- **JW EDWARDS**
- **MARK HUMBERT**
- **JOAN KNISS**
- **KEN KREUTZER**
- **CYNTHIA A MARTINEZ**

**1. CALL TO ORDER**

- A. Pledge of Allegiance to the American Flag.
- B. Roll Call.

**2. CONSENT AGENDA**

**3. APPROVAL OF REGULAR AGENDA (Council may take a short break between 8:30–9:00 p.m.)**

**4. CEREMONIES**

- A. National Day of Prayer Proclamation.
- B. Arbor Day Proclamation.
- C. Arbor Day Poster Contest Awards.
- D. Donate Life Month Proclamation.
- E. El día de los niños Proclamation.

**5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA (Speakers limited to five minutes)**

**6. PUBLIC HEARINGS**

- A. An Ordinance of the City of Brighton City Council Approving the Designation of the Former Senior Center (575 Bush Street) as a Local Historic Landmark; Setting Forth Certain Findings in Support of said Designation; Authorizing the Inclusion of the Property in the Brighton Register of Locally and Designated Historic Landmarks and Districts; Instructing the City Manager or his Designee to Notify the Owner of the Property of its Obligations and Restrictions Associated with the Designation; and Setting Forth Other Details Related Thereto. (First Reading)
- B. A Resolution of the City Council of the City of Brighton, Colorado, Approving, with Conditions as Set Forth Herein, a Conditional Use for a Property Addressed as 45 North Main Street, Unit #2 (A. Star Vapes, LLC).
- C. A Resolution of the City Council of the City of Brighton, Colorado, Approving, with Conditions as Set Forth Herein, a Conditional Use for a Childcare Facility at the First Presbyterian Church Property Addressed as 420 S. 27<sup>th</sup> Avenue, Brighton, Colorado (to be Known as the '4 Seasons Early Learning Center').

**7. ORDINANCES FOR FINAL CONSIDERATION**

**8. RESOLUTIONS**

- A. A Resolution of the City Council of the City of Brighton, Colorado Accepting the Recommendation of the Historic Preservation Commission and Appointing Wayne Scott to the “Emeritus” Position on the Historic Preservation Commission; Specifying the Term for such Appointment; and Setting Forth Other Details Related Thereto.

**9. UTILITIES BUSINESS ITEMS**

**Ordinances**

**Resolutions**

- A. A Resolution Providing Funds for a 2014 Supplemental Budget Appropriation in the Amount of Forty Seven Thousand Seven Hundred and Fifty Dollars (\$47,750) for the Watersmart Pilot Program.
- B. 2014 Comprehensive Rate and Fee Study for Utility Services.
1. A Resolution Providing Funds for a 2014 Supplemental Budget Appropriation in the Amount of Sixty Three Thousand Eight Hundred Dollars (\$63,800) for the 2014 Comprehensive Rate and Fee Study for Utilities Services.
2. A Resolution of the City Council of the City of Brighton, Colorado, Acting by and Through its Utilities Enterprise, Accepting the Proposal of Willdan Financial Services and Awarding the Contract for the 2014 Comprehensive Rate and Fee Study for Utility Services, RFP #14-003, in an Amount not to exceed Fifty Eight Thousand Dollars (\$58,000.00), and Authorizing the Mayor to sign the Contract on Behalf of the City.

**10. GENERAL BUSINESS**

**11. REPORTS**

- A. By the Mayor  
B. By Department Heads  
C. By the City Attorney  
D. By the City Manager

**12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS**

**13. EXECUTIVE SESSION**

**14. ADJOURNMENT**

**City Council  
Agenda Item  
4A**



# Proclamation

## NATIONAL DAY OF PRAYER

May 1, 2014

**WHEREAS**, the history of our Nation is indelibly marked with the role that prayer has played in the lives of individual Americans and indeed the United States as a whole; and

**WHEREAS**, many of our greatest leaders have always turned to prayer in times of crisis; and

**WHEREAS**, we acknowledge that prayer is a deeply personal and individual experience; the way in which it finds expression depends on our individual dispositions as well as on our religious convictions; and

**WHEREAS**, the virtues of prayer have a common bond--our hope and aspiration, our sorrows and fears, and deepest remorse and renewed resolve, our thanks and joyful praise; and most importantly our love--all turned towards the God of our choice; and

**WHEREAS**, America was founded upon the freedom to worship according to the dictates of our own conscience.

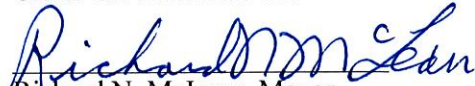
**NOW, THEREFORE**, I, Richard N. McLean, Mayor of the City of Brighton, on behalf of the City Council, do hereby proclaim Thursday, May 1, 2014 as

### *NATIONAL DAY OF PRAYER*

in the City of Brighton and encourage our citizens to join in prayer, asking that God's light may illuminate the minds and hearts of our people and our leaders, so that we may meet the challenges that lie before us with courage and wisdom and justice.

**DATED** this 15<sup>th</sup> day of April, 2014.

#### CITY OF BRIGHTON

  
Richard N. McLean, Mayor

Kirby Wallin, Mayor Pro-Tem

Lynn Baca

Rex Bell

J.W. Edwards


Mark Humbert

Joan Kniss

Ken Kreutzer

Cynthia A. Martinez

ATTEST:

  
Natalie Hoel, City Clerk

**City Council  
Agenda Item  
4B**



# Proclamation

## National Arbor Day Celebration

April 24, 2014

**WHEREAS,** in 1887, J. Sterling Morton proposed to the Nebraska Board of agriculture that a special day be set aside for the planting of trees; and

**WHEREAS,** this holiday, call Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**WHEREAS,** trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**WHEREAS,** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

**WHEREAS,** trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS,** trees are a source of joy and spiritual renewal; and

**WHEREAS,** Brighton has been recognized as a Tree City USA, for each of the past 28 years, by the National Arbor Day Foundation and desires to continue its tree planting ways.

**NOW, THEREFORE,** I, Richard N. McLean, Mayor of the City of Brighton, Colorado, on behalf of City Council, do hereby proclaim April 24, 2014 as National Arbor Day.

Dated this 15<sup>th</sup> day of April, 2014

City of Brighton

**Richard N. McLean, Mayor**

Kirby Wallin, Mayor Pro-Tem

Lynn Baca

Rex Bell

J.W. Edwards

Mark Humbert

Joan Kniss

Ken Kreutzer

Cynthia A. Martinez

**ATTEST:**

**Natalie Hoel, City Clerk**

# **City Council Agenda Item 4D**





# Proclamation

## Donate Life Brighton Month

**WHEREAS**, National Donate Life Month creates an important opportunity to educate citizens about the need for organ, eye and tissue donation; and

**WHEREAS**, thousands of Brighton residents have chosen to register as organ, eye and tissue donors—a decision that reflects deep commitment to one another; and

**WHEREAS**, since 1988, nearly 2,500 Coloradans have donated lifesaving organs after death to patients in need; and

**WHEREAS**, despite the profound generosity of these donors, 2,400 Colorado men, women, and children continue to wait for a lifesaving organ transplant; and

**WHEREAS**, together, we can respond to the shortage that keeps thousands of patients from receiving lifesaving organs; and

**WHEREAS**, we can further improve lives through the lifesaving and healing gifts of eye, tissue, bone marrow and blood donation; and

**WHEREAS**, Donor Alliance and the Donate Life Colorado community call upon our state's health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to join forces to boost the number of organ, eye and tissue donors throughout our state; and

**WHEREAS**, residents of Brighton are encouraged to learn the facts about organ and tissue donation, consider signing up on the Donate Life Colorado Organ & Tissue Donor Registry, and talk to family and friends about their decision; and

**WHEREAS**, Brighton businesses are urged to participate in National Donate Life Month, utilizing available resources to educate patrons on the facts behind organ, eye and tissue donation;

**NOW, THEREFORE BE IT RESOLVED**, that I, Richard N. McLean, Mayor of the City of Brighton, on behalf of the City Council, do hereby proclaim April as Donate Life Brighton Month.

**DATED** this 15<sup>th</sup> day of April, 2014

CITY OF BRIGHTON

Richard N. McLean, Mayor  
Kirby Wallin, Mayor Pro-Tem  
Lynn Baca  
Rex Bell  
J.W. Edwards  
Mark Humbert  
Joan Kniss  
Ken Kreutzer  
Cynthia A. Martinez

ATTEST:

Natalie Hoel, City Clerk



**City Council  
Agenda Item  
4E**



# Proclamation

## El dia de los ninos

**WHEREAS**, children represent the hopes and dreams of the people of the United States; and

**WHEREAS**, children should be nurtured and invested in to preserve and enhance the American Spirit, economic prosperity and democracy; and

**WHEREAS**, the city of Brighton and Community Reach Center have demonstrated a long-standing commitment to serve our youth through collaborations with educators, and many community based organizations; and

**WHEREAS**, the children of our nation are the responsibility of all its peoples, and people should be encouraged to celebrate the gifts of children to society- their curiosity, laughter, energy, sprit, hopes and dreams.

**NOW, THEREFORE BE IT RESOLVED**, that I, Richard N. McLean, Mayor of the City of Brighton, on behalf of the City Council, do hereby proclaim April 30, 2014, El día de los niños throughout Brighton.

**DATED** this 15<sup>th</sup> day of April, 2014

CITY OF BRIGHTON

Richard N. McLean, Mayor  
Kirby Wallin, Mayor Pro-Tem  
Lynn Baca  
Rex Bell  
J.W. Edwards  
Mark Humbert  
Joan Kniss  
Ken Kreutzer  
Cynthia A. Martinez

ATTEST:

Natalie Hoel, City Clerk

**City Council  
Agenda Item  
6A**

# COMMUNITY DEVELOPMENT DEPARTMENT

**To:** Mayor and City Council, Through City Manager, Manuel Esquibel

**Prepared By:** Aja Tibbs, Long Range & Historic Preservation Planner

**Requested Action:** Hold a public hearing to review and consider an Ordinance for the nomination of 575 Bush Street as a Historic Landmark.

**Requested Council Date:** April 15, 2014

## Statutory or Municipal Code Process Requirements (in order):

1. Hold a Public Hearing; and
2. Consider the Historic Landmark Designation Ordinance.

## Statutory or Municipal Code Notification Requirements:

Designation	Neighbor Notice Letter	Newspaper Publication	Property Posting
Required	Not Applicable.	Min. 15 day notice	Min. 15 day notice
Actual	Not Applicable.	Published: <b>March 26, 2014</b>	Posted: <b>March 19, 2014</b>
	Not Applicable.	In: <u>Brighton Standard Blade</u>	1 sign posted on the southeast corner of the property.
	Not Applicable	20 day notice <sup>1</sup>	27 day notice <sup>1</sup>
<b>Footnotes:</b>			
1	The day the notice is posted/mailed/sent is not included in the number provided, but the day of the hearing is included in the number provided (considered a full day of notice).		

## Review and Sign-Off:

	Long Range & Historic Preservation Planner, Aja Tibbs
	Planning Manager, Jason Bradford, AICP
	Community Development Director, Holly Prather, AICP
	City Attorney, Margaret Brubaker
	City Manager, Manuel Esquibel

## PLANNING DIVISION STAFF REPORT

**To:** Mayor and City Council  
Through City Manager, Manuel Esquibel

**Reviewed By:** Jason Bradford, AICP, Planning Division Manager  
Holly Prather, AICP, Community Development Director

**Prepared By:** Aja Tibbs, Long Range & Historic Preservation Planner

**Date Prepared:** March 24, 2014

**Requested Action:** Hold a public hearing to review and consider an Ordinance for the nomination of 575 Bush Street as a Historic Landmark.

### **PURPOSE:**

In order to proceed with the designation of this property as a historic landmark, the City Council shall review the nomination and application for designation as a historic landmark, conduct a public hearing, and approve an Ordinance for designation.

### **BACKGROUND:**

The Brighton Historic Preservation Commission (BHPC) approved a Resolution on March 13, 2014 making a recommendation to the City Council for the designation of the former senior center at 575 Bush Street as a historic landmark. The owner of the property is the City of Brighton and they have consented to the nomination of the structure.

### **HISTORIC LANDMARK ELIGIBILITY:**

Sections 16-22-30 and 40 of the Brighton Municipal Code set forth the process and requirements for designating a property as an historic landmark. An individual property may be designated as a historic landmark if it is at least fifty (50) years old and possesses historic and/or architectural significance. The finding of historic and/or architectural significance requires that the property meet at least one (1) criterion from at least one (1) of the Eligibility Categories for historic and/or architectural significance.

### **PUBLIC INQUIRIES AND INPUT:**

The City Council shall conduct a public hearing at the time, date, and place as published and shall consider all relevant evidence concerning the proposed designation. Opportunity shall be provided for all interested parties to express their opinions and provide evidence regarding the proposed designation. A notice of the public hearing, regarding the nomination of the subject property, was published in the *Brighton Standard Blade* and posted on the property for no less than fifteen (15) days prior to the date of the public hearing.

### **STAFF ANALYSIS AND RECOMMENDATION:**

The BHPC passed a resolution, recommending to the City Council, the designation of the former senior center addressed as 575 Bush Street as a local historic landmark. Staff finds that the nominated property meets the following eligibility requirements for the finding of historic

significance as outlined in Section 16-22-30 of the Municipal Code; the structure is more than fifty years old, and meets at least one category in all three significance criteria. Therefore, staff has drafted, for the Council's review and consideration, an ordinance designating 575 Bush Street as a local historic landmark. *Refer to the attached BHPC Memo for a full history and analysis of the subject property.*

**OPTIONS FOR COUNCIL'S CONSIDERATION:**

- Approve the Ordinance
- Not approve the Ordinance
- Approve the Ordinance with conditions

**ATTACHMENTS:**

- Ordinance (draft)
- BHPC Memo (without attachments)
- BHPC Resolution (copy)



## CITY COUNCIL ORDINANCE

**AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL APPROVING THE DESIGNATION OF THE FORMER SENIOR CENTER (575 BUSH STREET) AS A LOCAL HISTORIC LANDMARK; SETTING FORTH CERTAIN FINDINGS IN SUPPORT OF SAID DESIGNATION; AUTHORIZING THE INCLUSION OF THE PROPERTY IN THE BRIGHTON REGISTER OF LOCALLY AND DESIGNATED HISTORIC LANDMARKS AND DISTRICTS; INSTRUCTING THE CITY MANAGER OR HIS DESIGNEE TO NOTIFY THE OWNER OF THE PROPERTY OF ITS OBLIGATIONS AND RESTRICTIONS ASSOCIATED WITH THE DESIGNATION; AND SETTING FORTH OTHER DETAILS RELATED THERETO.**

**ORDINANCE NO.:** \_\_\_\_\_

**INTRODUCED BY:** \_\_\_\_\_

***WHEREAS***, pursuant to Section 16-22-40A of the Brighton Municipal Code, designation of a Historic Landmark may be initiated by the City Council, City Manager, Historic Preservation Commission or the owner of the cultural resource to be designated; and

***WHEREAS***, pursuant to Section 16-22-40B of the Brighton Municipal Code, nominations for Historic Landmark designation shall be filed with the Historic Preservation Administrator on forms prescribed by the Historic Preservation Commission and shall include a description of the location of the cultural resource or historic district sufficient to advise the owner and public of the location thereof, the characteristics of the cultural resource or historic district that justifies its designation as a historic landmark or historic district, a description of the particular physical features to be preserved, the names and addresses of all owners (including owners of undivided interests), the applicable fee adopted in the Annual Fee Resolution of the City Council, and such other data required by the City Manager; and

***WHEREAS***, on or about December 13, 2013, and pursuant to the requirements of Section 16-22-40 of the Brighton Municipal Code, there was presented to and filed with the City of Brighton, Colorado, an application for nomination (the "Application"), by the Brighton Historic Preservation Commission (the "Applicant"), to designate, as a historic landmark, the former senior center addressed as 575 Bush Street, located on Lots 21-32 and the Southern 286.5 feet of Lot 33, Block 26 of the Walnut Grove, 2<sup>nd</sup> Addition Subdivision (the "Property"); and

***WHEREAS***, on March 13, 2014, the Historic Preservation Commission held a public hearing to consider the nomination of the Property for designation as a historic landmark and at that meeting found that the Property is at least fifty (50) years old and satisfies all three (3) Eligibility Categories (Architectural; Social and Historic; and Geographic and Environmental), as delineated in Section 16-22-30, *Eligibility for Designation of a Historic Landmark or Historic District*, of the Brighton Municipal Code; and

**WHEREAS**, on March 13, 2014, the Historic Preservation Commission passed a resolution, recommending to the City Council, that the Property be designated as a historic landmark; and

**WHEREAS**, on April 15, 2014, the City Council held a public hearing to consider the nomination of the Property for designation as a historic landmark and at that meeting found that the Property is at least fifty (50) years old; and

**WHEREAS**, at the April 15, 2014 public hearing, the City Council found that the Property satisfies one of the five criteria of the Architectural Category of Eligibility as delineated in Section 16-22-30 (a) (1), *Eligibility for Designation of a Historic Landmark or Historic District*, of the Brighton Municipal Code; and

**WHEREAS**, at the April 15, 2014 public hearing, the City Council found that the Property satisfies four of the five criteria of the Social and Historic Category of Eligibility as delineated in Section 16-22-30 (a) (2), *Eligibility for Designation of a Historic Landmark or Historic District*, of the Brighton Municipal Code; and

**WHEREAS**, at the April 15, 2014 public hearing, the City Council found that the Property satisfies three of the five criteria of the Geographic and Environmental Category of Eligibility as delineated in Section 16-22-30 (a) (3), *Eligibility for Designation of a Historic Landmark or Historic District*, of the Brighton Municipal Code; and

**WHEREAS**, the City Council has reviewed the Application to nominate the former senior center at 575 Bush Street as a historic landmark and finds and declares that the proposed designation will not be detrimental to the future development of the area, or the health, safety, or welfare of the inhabitants of the City of Brighton; and

**WHEREAS**, the Applicant obtained consent to the nomination by the owner of the former senior center, the City of Brighton (the "Owner"); and

**WHEREAS**, a notice of the public hearing, regarding the nomination of the subject property, was published in the *Brighton Standard Blade* and posted on the property for no less than fifteen (15) days prior to the date of the public hearing; and

**WHEREAS**, the City Council finds that the designation of the former senior center at 575 Bush Street as a historic landmark will, through preservation and protection, enhance the use of this cultural resource and will contribute to the artistic, social, economic, political, architectural and historic heritage of the city for the benefit of the inhabitants of the City of Brighton.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON:**

Section 1. The Property, addressed as 575 Bush Street, is hereby designated as a Local Historic Landmark.

Section 2. A certified copy of this Ordinance shall be recorded in the office of the Adams County Clerk and Recorder, designating the Property as a historic landmark.

Section 3. The Property shall be included on the City of Brighton Register of Locally and Designated Historic Landmarks and Districts.

Section 4. The City Manager, or his designee, shall provide to the Owner of the subject Property a copy of this Ordinance and a letter, which contains an explanation of the Owner's obligations and restrictions created by the historic designation and advising the Owner of the Owner's responsibility to apply for a Certificate of Appropriateness prior to construction, reconstruction, remodeling, alteration, repair, restoration, rehabilitation, relocation or demolition of improvements on the Property.

**INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED**

**THIS 15<sup>th</sup> DAY OF APRIL, 2014.**

CITY OF BRIGHTON, COLORADO

\_\_\_\_\_  
Richard N. McLean, Mayor

ATTEST:

\_\_\_\_\_  
Natalie Hoel, City Clerk

Published in the Standard Blade

First Publication: \_\_\_\_\_

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Margaret Brubaker, Esq., City Attorney

**PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED**

**BY TITLE ONLY THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

CITY OF BRIGHTON, COLORADO

\_\_\_\_\_  
Richard N. McLean, Mayor

ATTEST:

\_\_\_\_\_  
Natalie Hoel, City Clerk

Published in the Standard Blade

Last Publication: \_\_\_\_\_

## PLANNING DIVISION STAFF REPORT

**To:** Historic Preservation Commission

**Reviewed By:** Jason Bradford, AICP, Planning Division Manager

**Prepared By:** Aja Tibbs, Long Range & Historic Preservation Planner

**Date Prepared:** February 27, 2014

**Requested Action:** Review at a public hearing and make a recommendation to the City Council for the nomination of the 575 Bush Street as a Historic Landmark.

### **PURPOSE:**

In order to proceed with the designation of this property as a historic landmark, the Brighton Historic Preservation Commission (BHPC) shall review the nomination and application for designation as a historic landmark, conduct a public hearing, and approve a nomination resolution.

### **BACKGROUND:**

The BHPC submitted a nomination application for the former senior center, addressed as 575 Bush Street, as a historic landmark. The owner of the property is the City of Brighton, and they have consented to the nomination of the structure as a historic landmark.

This application was originally scheduled and published for review on February 13, 2014. At said hearing, the Commission was made aware that the sign posted on the property indicated that the hearing would be held at another location. Upon receiving this information the Commission continued the hearing to March 13, 2014, and requested that staff send additional written notice to the adjacent property owners in addition to correcting the property notice posting. Therefore, staff has revised the property posting (with the new date and correct address), published the second hearing date in the Brighton Standard Blade, and mailed a letter to the adjacent property owners describing the continuation and project review. A copy of the letter and mailing addresses has been attached for reference.

### **HISTORIC LANDMARK ELIGIBILITY:**

An individual property may be designated as a historic landmark if it is at least fifty (50) years old and possesses historic and/or architectural significance. If the property is not at least fifty (50) years old, it must possess exceptional historic and/or architectural significance. The finding of historic and/or architectural significance requires that the property meets at least one (1) of the Eligibility Categories. To meet an Eligibility Category, at least one (1) of the criteria must be satisfied. In order to find that a property possesses exceptional historic and/or architectural significance, it must meet at least two (2) of the following Eligibility Categories:

- 1) Architectural Category: In order to be considered significant in the Architectural Category, at least one (1) of the following criteria must be met:

- a. exemplifies specific distinguishing characteristics of an architectural period or style; or
  - b. is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally; or
  - c. demonstrates superior craftsmanship or high artistic value; or
  - d. contains elements of architectural design, detail, materials, construction or craftsmanship which represent a significant innovation; or
  - e. evidences a style particularly associated with the Brighton area.
- 2) Social and Historic Category: In order to be considered significant in the Social and Historic Category, at least one (1) of the following criteria must be met:
- a. is the site of an historic event that had an effect upon society; or
  - b. exemplifies cultural, political, economic or social heritage of the community; or
  - c. represents a built environment of a group of people in an era of history; or
  - d. has significant character, interest or value, as part of the development, heritage, or cultural characteristics of the City, State, or nation; or
  - e. has an association with a notable person(s) or the work of a notable person(s).
- 3) Geographic and Environmental Category: In order to be considered significant in the Geographic and Environmental Category, at least one (1) of the following criteria must be met:
- a. enhances a sense of identity of the community; or
  - b. by being part of, or related to, a square, park or other distinctive area which should be developed or preserved according to a plan based on an historic, cultural, or architectural motif; or
  - c. is unique in its location of singular physical characteristics; or
  - d. possesses unique and notable historic, cultural or architectural motifs; or
  - e. is an established and familiar mutual setting or visual feature of the community.

#### **ARCHITECTURAL SUMMARY:**

The building at 575 Bush Street was built in 1919. It was a south-facing, 1-story, 50' x 85' building, with the basement that was 1/2 underground and 1/2 above ground, and a lower level 19' x 50' section to the rear (north elevation). The building was constructed of red pressed brick and later stucco was added to cover the above-ground foundation. The building had a flat roof with at least two different parapet styles throughout the years (demonstrated in various historic photographs). The earliest style had a varied upper line giving the building a mission style appearance popular in Colorado between 1900-1930. The later version flattens out the roof in a more commercial style design. Other exterior ornamentation includes upper transom windows for all main floor windows, and upper and side transom windows along the front (south) door. All window frames are double hung 6/1 windows, have 6 sash transoms above, and a brick corbel base along each window frame. Also, a distinct projecting entablature wraps around the building at the roof line (below the parapet), and masonry ornamentation can be found in the parapet above the main entrance (south). A flight of cement steps led to the south entrance, and an outside entrance to the basement was located under the cement steps. The architect of the building was William Redding, who is a local architect from Denver known for his design of other buildings throughout Colorado and Wyoming. His firm, WM Redding & Son,



also designed the Hotel Boulderado, a mission style building in Boulder Colorado. Overall, design elements lead toward a classical revival style for commercial buildings, which was a popular for government buildings in the early 20<sup>th</sup> century. The original parapet lends to mission style influences which were perhaps a signature of Mr. Redding at the time.

The interior of the structure was created for many purposes. The front entrance contained public offices for the Mayor and City Clerk. The top half of the walls were painted white and the bottom half was painted pale green, with a rail board splitting the two shades. The woodwork throughout the building had a natural wood finish. In back of the offices was a 20' x 44' room that was used as an assembly hall for public and council meetings. Double windows were placed at each end of the room to insure the best light and ventilation. This room was also finished in white with pale green below the rail board. The floors were polished and matched to the buildings trim work. Behind the assembly hall space, four rooms and a bath were included to provide living quarters for a pump man. The quarters were heated with steam and had modern plumbing. Outside stairs facing 6th Avenue provided outdoor access to these quarters. The boiler, pump, coal rooms and miscellaneous machinery were all located in the 18' tall basement. The roof of the building was made with composition roofing, and the grounds of the building were completed as soon as the building was finished. Several wells on the property provided water pumped into the water tank and connected to the water line infrastructure that served early residents. The original building contract showed the building cost \$16,922 to construct. The water tower cost approximately \$3,600. A.S. Leffingwell was awarded the contract for window shades. The BIL&P Company submitted the lowest bid and was awarded the contract for coal. Their bid was \$4.56 a mine run or \$5.00 on lump coal which was delivered to the building site.

Over the years, additions and renovations have been made to the original site to address the shifted uses and needs of the property. An addition was added to the east side of the building in 1986. However, the style and size of the addition still allows visibility of the original structure shape, and the east wall is visible from the interior of the addition. The concrete stairs have been replaced, and the handrails have changed in style and shape over the years. The boiler system and the roof have also been replaced or repaired. Lastly, the water tower was demolished in 1989 for safety concerns and to install a parking lot.

### **CULTURAL SUMMARY:**

The structure was originally built as the first City Hall of Brighton. As previously mentioned it housed some of the first mayors and clerks offices, and had a large room for assemblies where dance permits were issued for the youth for \$15 each, and the rear addition housed and stored Fire equipment for the Fire Department. For many years, the building was also known as the City Water Department. The water wells on site were dedicated by Mr. Carmichael who is one of the founding fathers of Brighton. At the time he organized the Brighton water and electric company in 1891, and the water wells, pump and water tower helped to provide much needed water to the residents of Brighton for many years. By 1946, the library moved into the building, and in 1970, the Brighton Public Library became part of the Adams County Public Library. On Aug. 3, 1972 the Brighton Branch of the Library moved to 575 8th Ave. So, in 1976, the building was leased by the city and designated to be used as a Senior Center, when a federal grant was acquired to remodel and furnish this building. Seniors held bazaars and rummage sales to add needed equipment. During the 1980's it became tradition for some members of the senior high school

class to climb the water tower and paint the year of their graduation on the tower. When the tower was no longer in use and thought to be a hazard, it was removed in 1993 and a parking lot to address parking needs. In 1986, another federal grant was issued to construct a kitchen and cafeteria, and was completed the summer of 1986. Over the years, the building housed many senior and community events. Most recently, a new senior center was constructed in the spring of 2011, which prompted the vacancy of the structure. It is currently being used on a temporary basis for city storage and occasional youth events.

#### **PUBLIC INQUIRIES AND INPUT:**

The BHPC shall conduct a public hearing at the time, date, and place as published, and shall consider all relevant evidence concerning the proposed designation. Opportunity shall be provided for all interested parties to express their opinions and provide evidence regarding the proposed designation. A notice of the public hearing, regarding the nomination of the subject property, was published in the *Brighton Standard Blade* and posted on the property for no less than fifteen (15) days prior to the date of the public hearing. As of the date this report was published, the Historic Preservation Administrator has not received any formal public inquiries or input regarding this project.

#### **STAFF ANALYSIS AND RECOMMENDATION:**

With almost 100 years of use as a public and community building, the structure at 575 Bush Street has historic ties to Brighton residents of all ages. This building relates to geographic heritage by being Brighton's original town hall located in close proximity to other historic structures such as the Adam's County Courthouse and Brighton Armory. It also relates to the cultural and social heritage of Brighton with links to significant persons in Brighton's history such as Daniel Carmichael, William Redding, early government officials, and historic businesses such as Leffingwell and BIL&P Company. Perhaps most importantly, this building has been iconic to the Brighton community for many years as others have memories of the building and its many different uses.

Given the substantial position that the former senior center has held throughout Brighton's history, the building seems an obvious choice for designation as a historic landmark. Staff finds that the nominated property meets the eligibility requirements for the finding of historic significance, as outlined in Section 16-22-30 of the Municipal Code. Staff also finds that 575 Bush Street meets all three categories of significance, Architectural, Historical and Social; and Geographic and Environmental. A resolution to the City Council, recommending approval of the designation of the Brighton Armory, has been drafted for the Commission's review and consideration. *Refer to the attached application questionnaire which provides criteria specific analysis.*

#### **POTENTIAL ACTIONS BY THE HISTORIC PRESERVATION COMMISSION:**

The BHPC shall hold the public hearing to review a nomination for designation of a Historic Landmark, and shall make a determination as to the appropriateness of the nomination, according to the standards and criteria adopted. If the nominated cultural resource or district is found to possess historic and/or architectural significance, as determined by the standards and criteria of this Article and rules and regulations, the Commission shall make a recommendation

of approval to designate the cultural resource as a Historic Landmark to the City Council. At the close of the public hearing, the Commission shall take one of the following actions:

- Approve the draft Resolution making a recommendation of designation to the City Council.
- Approve the draft Resolution, with specific changes or conditions, making a recommendation of designation to the City Council.
- Continue the public hearing to a date certain, with findings of fact to justify the decision.
- Direct staff to draft a Resolution to recommend denial to the City Council, with specific findings of fact to justify the decision.

**ATTACHMENTS:**

- Nomination Application
- Application Submittal Items: aerial photographs and maps, photographs related to the site, and the application questionnaire (specific criteria analysis).
- Adjacent Property Owner Letter & Addresses
- Resolution (draft)

**RESOLUTION  
HISTORIC PRESERVATION COMMISSION**

**A RESOLUTION OF THE CITY OF BRIGHTON HISTORIC PRESERVATION  
COMMISSION RECOMMENDING APPROVAL OF A NOMINATION TO  
DESIGNATE 575 BUSH STREET (FORMER SENIOR CENTER) AS A HISTORIC  
LANDMARK.**

**RESOLUTION NO. 14-01-HP**

**WHEREAS**, pursuant to the laws of the State of Colorado, there was presented to and filed with the City of Brighton, Colorado, an application for nomination (the "Application"), by the Brighton Historic Preservation Commission (the "Applicant"), to designate, as a historic landmark, 575 Bush Street (Former Senior Center), located on lots 21 through the southern 286 feet of lot 33, Block 26, of the Walnut Grove Second Addition Subdivision, (the "Property"); and

**WHEREAS**, the Applicant obtained consent to the nomination by the owner of the Property, the City of Brighton (the "Owner"); and

**WHEREAS**, a notice of the public hearing, regarding the nomination of the subject property, was published in the *Brighton Standard Blade*, and posted on the property for no less than fifteen (15) days prior to the date of the public hearing; and

**WHEREAS**, on March 13, 2014, the Historic Preservation Commission held a public hearing to consider the nomination of the Property for designation as a historic landmark; and

**WHEREAS**, the Historic Preservation Commission finds that the Property is at least fifty (50) years old and satisfies at least one (1) criterion from each of the Eligibility Categories, as delineated in Section 16-22-30, Eligibility for Designation of a Historic Landmark or Historic District, of the *Brighton Municipal Code*; and

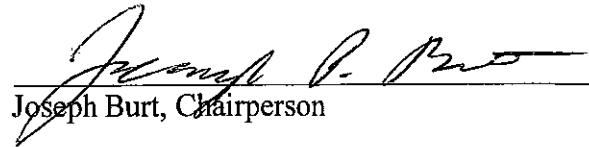
**WHEREAS**, the Historic Preservation Commission has reviewed the Application to nominate 575 Bush Street (Former Senior Center) as a historic landmark and finds and declares that the proposed designation will not be detrimental to the future development of the area, or the health, safety, or welfare of the inhabitants of the City of Brighton; and

**WHEREAS**, the Historic Preservation Commission finds that the designation of 575 Bush Street (Former Senior Center) as a historic landmark will, through preservation and protection, enhance the use of this cultural resource and will contribute to the artistic, social, economic, political, architectural and historic heritage of the city for the benefit of the inhabitants of the City of Brighton.

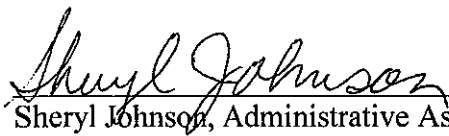
**NOW THEREFORE, BE IT RESOLVED** that the Brighton Historic Preservation Commission does hereby find that 575 Bush Street (Former Senior Center) possesses historic significance and recommends, to the City Council, approval of the nomination to designate the 575 Bush Street as a historic landmark.

**RESOLVED**, this 13<sup>th</sup> day of March, 2014.

**CITY OF BRIGHTON, COLORADO  
HISTORIC PRESERVATION COMMISSION**

  
\_\_\_\_\_  
Joseph Burt, Chairperson

**ATTEST:**

  
\_\_\_\_\_  
Sheryl Johnson, Administrative Assistant III

**City Council  
Agenda Item  
6B**



# COMMUNITY DEVELOPMENT DEPARTMENT

**To:** Mayor and City Council, Through City Manager, Manuel Esquibel

**Prepared By:** Cathy Sexton, Assistant City Planner

**Requested Action:** **Hold a Public Hearing and Consider the Conditional Use application for A. Star Vapes, LLC.**

**Requested Council Date:** **April 15, 2014**

## Statutory or Municipal Code Process Requirements (in order):

1. Hold a Public Hearing; and
2. Consider a Resolution to approve a conditional use application.

## Statutory or Municipal Code Notification Requirements:

CUP	Owner Notice Letter	Newspaper Publication	Property Posting
Required	Min. 15 day notice	Min. 15 day notice	15 Day Notice
Actual	Sent: <b>March 26, 2014</b>	Published: <b>March 26, 2014</b>	Posted: <b>March 25, 2014</b>
	To: Property owners within 300' of subject property	In: <u>Brighton Standard Blade</u>	
	20 day notice <sup>1</sup>	20 day notice <sup>1</sup>	21 Day Notice <sup>1</sup>
<b>Footnotes:</b>			
1	The day the notice is posted/mailed/sent is not included in the number provided, but the day of the hearing is included in the number provided (considered a full day of notice).		

## Review and Sign-Off:

<input checked="" type="checkbox"/>	Planning Manager, AICP, Jason Bradford
<input checked="" type="checkbox"/>	Community Development Director, AICP, Holly Prather
<input checked="" type="checkbox"/>	City Attorney, Margaret Brubaker
<input checked="" type="checkbox"/>	City Manager, Manuel Esquibel

## PLANNING DIVISION STAFF REPORT

**To:** Mayor and City Council  
Through City Manager, Manuel Esquibel

**Reviewed By:** Holly Prather, AICP, Community Development Director  
Jason Bradford, AICP, Planning Division Manager

**Prepared By:** Cathy Sexton, Assistant City Planner

**Date Prepared:** March 26, 2014

**Meeting Date:** April 15, 2014

**Requested Action:** Hold a Public Hearing and Consider the Conditional Use application for A. Star Vapes, LLC.

### PURPOSE:

Per Section 17-8-60 of the City of Brighton's Land Use and Development Code, an application for a conditional use must be presented before the city council at a public hearing along with a resolution approving, approving with conditions or denying the conditional use application.

### BACKGROUND INFORMATION:

The applicant, Melissa Lujan with A. Star Vapes, LLC, is requesting a conditional use permit to operate a store that sells electronic vaporizers and accessories. Electronic vaporizers are devices that vaporize a liquid that may contain nicotine, which is then inhaled. Examples of electronic vaporizers include, but are not limited to, electronic cigarettes, electronic cigars, and personal vaporizers. The store will be located in an approximately 375 square foot unit within the existing building addressed as 45 North Main Street, Unit #2. The building is owned by MEK Colorado LLC. Electronic vaporizer sales is a use that is not directly addressed in the Municipal Code. The Director may make a determination on whether a use is permitted if it is similar in character and impacts as another use as set forth in the Table of Uses. The Director has classified the sales of electronic vaporizers as tobacco sales in the Table of Uses. Tobacco sales require conditional use approval in the DT zone district.

### PUBLIC INQUIRY:

A notice of the public hearing was mailed to property owners within 300' of the subject property, published in the *Brighton Standard Blade*, and posted on the property, for no less than fifteen (15) days prior to the date of the public hearing. Staff has not received any public comment in regards to this project, as of the date that this report was written.

### CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM:

- Comprehensive Plan:  
The Comprehensive Plan designates this area as being appropriate for Town Center uses, of which certain commercial uses are appropriate. Policy 1.7: *Encourage a Balance of Uses Within Brighton*, discusses the importance of providing a variety of retail and service

opportunities within the City of Brighton, in order to encourage and maintain a sustainable community.

- **Land Use and Development Code:**

The conditional use application was submitted in accordance with the requirements of a conditional use submittal.

Criteria to consider related to conditional uses:

1. Complies with the requirements of these regulations and with the Zone District in which it is to be located;
2. Provides consistency with the purpose and intent of these regulations;
3. Provides compatibility with surrounding areas, is harmonious with the character of the neighborhood, is not detrimental to the future development of the area, and is not detrimental for the health, safety, or welfare of the inhabitants of the city;
4. Follows the intent of the Comprehensive Land Use Plan in providing for the future of the city; and
5. Requires restrictions of conditions upon approval. The following should be considered in the decision in addition to any other criteria deemed relevant to the particular use requested:
  - a. Hours of operation
  - b. Street and road capacity
  - c. Off-street parking
  - d. Fencing, screening, and landscaping
  - e. Building bulk, height, setbacks, location, and external appearance
  - f. Usable open space
  - g. Signs and lighting
  - h. Noise, vibration, air pollution, or similar environmental considerations

**STAFF FINDINGS:**

Staff finds that the proposed conditional use application is to be in compliance with the conditional use criteria as listed above if the following conditions are applied to the proposed conditional use:

1. Smoking within the building shall be prohibited.
2. Customers must be at least eighteen (18) years of age to purchase the products.
3. The sale of recreational or medicinal marijuana shall not be permitted.
4. Approval of this conditional use application shall not run with the land and is limited to the operation of a "Tobacco Sales" establishment (A. Star Vapes, LLC) by Melissa Lujan at the location of 45 North Main Street, Unit #2, Brighton, Colorado.

**OPTIONS FOR COUNCIL'S CONSIDERATION:**

- Approve the request for a conditional use in whole or in part, with or without modifications and conditions.
- Continue the request for a conditional use.
- Deny the request for a conditional use (with specific findings in support thereof).

**ATTACHMENTS:**

- Vicinity Map
- Draft Resolution with Conditions
- Applicant Questionnaire Responses

Vicinity Map:



## BRIGHTON CITY COUNCIL RESOLUTION

**A. STAR VAPES, LLC  
(45 NORTH MAIN STREET, UNIT #2)**

### CONDITIONAL USE

**RESOLUTION NO.:** \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING, WITH CONDITIONS AS SET FORTH HEREIN, A CONDITIONAL USE FOR A PROPERTY ADDRESSED AS 45 NORTH MAIN STREET, UNIT #2 (A. STAR VAPES, LLC).**

**WHEREAS**, the Applicant, Melissa Lujan, of A. Star Vapes, LLC, is requesting approval of a conditional use application for the establishment of a store that sells electronic vaporizers and accessories, addressed as 45 North Main Street, Unit #2, as more particularly described in Exhibit A, attached hereto; and

**WHEREAS**, the sales of electronic vaporizers is a use that is not directly addressed in the Land Use and Development Code; and

**WHEREAS**, the Director may make a determination on whether a use is permitted if it is similar in character and impacts as another use as set forth in the Table of Uses; and

**WHEREAS**, the Director has determined that electronic vaporizer sales is similar to tobacco sales and will be categorized as such in the Table of Uses; and

**WHEREAS**, the property addressed as 45 North Main Street, Unit #2 is zoned DT (Downtown); and

**WHEREAS**, according to the Table of Uses within the Land Use and Development Code, tobacco sales are a conditional use within the DT zone district; and

**WHEREAS**, a notice of the April 15, 2014 public hearing was posted on the subject property, and a notice of the public hearing was mailed to the owners of all properties located within 300 feet of the subject property, for not less than fifteen (15) days prior to the public hearing, pursuant to the Land Use and Development Code; and

**WHEREAS**, a public notice of the public hearing was published in the *Brighton Standard Blade* on Wednesday, March 26<sup>th</sup>, 2014, for not less than fifteen (15) days prior to such hearing, pursuant to the City of Brighton's Land Use and Development Code; and

**WHEREAS**, the Conditional Use application meets the City of Brighton's Land Use and Development Code, as applicable to a Conditional Use submittal; and

**WHEREAS**, the City Council finds that pursuant to the City of Brighton's Land Use and Development Code, a conditional use is an additional use of land that may be allowed with restrictions deemed necessary upon approval of the City Council, and that approval thereof is subject to the City's Conditional Use procedures and criteria; and

**WHEREAS**, the City Council finds and determines that sufficient justification exists to approve the requested Conditional Use, so long as certain specific conditions are placed on said approval, as more specifically provided herein; and

**NOW THEREFORE**, Be It Resolved, that the City of Brighton City Council does hereby approve the Conditional Use request for the establishment of a store that sells electronic vaporizers, a use categorized as tobacco sales in the Table of Uses, within an existing building, addressed as 45 North Main Street, Unit #2, with the following conditions:

1. Smoking within the building shall be prohibited.
2. Customers must be at least eighteen (18) years of age to purchase the products.
3. The sale of recreational or medicinal marijuana shall not be permitted.
4. Approval of this Conditional Use application shall not run with the land and is limited to the operation of a "Tobacco Sales" establishment (A. Star Vapes, LLC) by Melissa Lujan at the location of 45 North Main Street, Unit #2, Brighton, Colorado.

**RESOLVED**, this 15<sup>th</sup> day of April, 2014.

**CITY OF BRIGHTON, COLORADO  
CITY COUNCIL**

---

Richard N. McLean, Mayor

**ATTEST:**

---

Natalie Hoel, City Clerk

**APPROVED AS TO FORM:**

---

Margaret R. Brubaker, Esq.  
City Attorney



**Exhibit A**

**Legal Description**

Lots 1 & 2, Block 3, of the North Brighton Subdivision, County of Adams, City of Brighton, State of Colorado.



# Brighton<sup>SM</sup>

500 South 4th Avenue Brighton, CO 80601  
www.brightonco.gov 303.655.2017

## Questionnaire

Conditional Use

Respond to each of the questions below in the "insert response" box. If responding digitally, please delete the "insert response" prior to typing your answer without changing the font and color settings as demonstrated below.

**1. Explain in detail the proposed use of the property.**

*Insert Response:* The retail sales of electronic vaporizers.

**2. Describe in detail, the following:**

**a) How many people (i.e., employees, customers, etc.) will use the site?**

*Insert Response:* 1-4 employees ; up to 10 customers

**b) How many total employees are proposed to be employed at the site? What is the maximum number of employees to be at the site at one time?**

*Insert Response:* 4, 4

**c) What are the days and hours of operation? What are the days and hours that employees / staff will be present?**

*Insert Response:* The days of operation will be Monday through Sunday. Monday through Saturday 10:00 am - 9:00 pm. and Sunday 10:00 am - 8:00 p.m. Employees will be present during business hours.

**d) If new construction, what type and how many structures will be constructed on the site?**

*Insert Response:* N/A

**e) What kind (i.e., type, size, weight) of vehicles will access the site and how often?**

*Insert Response:* N/A

**f) If storage or warehousing is proposed, what type of items will be stored?**



# Brighton

500 South 4th Avenue Brighton, CO 80601  
www.brightonco.gov 303.655.2017

## Questionnaire

Conditional Use

Insert Response: N/A

3) Explain how the proposal is consistent with the intent of the *Land Use and Development Code*, Conditional Uses and how the proposal addresses the following:

a) Limitations on hours of operation.

Insert Response: Our hours of operation will be from Monday through Saturday, 10:00 am - 9:00 pm. Sunday 10:00 am - 8:00 pm. These hours seem to be consistent with the other businesses around us.

b) Street and road capacity.

Insert Response:

N/A  
(Existing Streets and roads)

c) Off-street parking (AKA on-site parking - indicate number of stalls, handicapped spaces, etc).

Insert Response: There are twenty two parking, two of which are handicapped spaces. There is also a large parking lot owned by the city across the street.

d) Fencing, screening, and landscaping.

Insert Response:

N/A

e) Building bulk, height, setback, location and external appearance.

Insert Response:

N/A

f) Usable open space.

Insert Response:

N/A

g) Signs and lighting.

Insert Response: There is already an existing sign on the building that we will replace.

h) Noise, vibration, air pollution, or similar environmental considerations.



# Brighton

500 South 4th Avenue Brighton, CO 80601  
www.brightonco.gov 303.655.2017

## Questionnaire

Conditional Use

**Insert Response:** There are no environmental issues to be considered.

4) Explain how the proposal is consistent with the zone district in which it is to be located.

**Insert Response:** I believe that our proposal to open a "Electronic Vaporizer Shop" in the downtown district is consistent with the zone. Even though downtown is considered a "conditional" zone, our business fits right in.

5) Explain how the proposal is consistent with the intent of the Comprehensive Plan, especially as it relates to the goals, policies and maps as set forth therein.

**Insert Response:** As a Brighton native I plan on helping foster a strong local economy and provide future job opportunities for Brighton residents. We plan on helping to preserve the historical building we are in. As well as becoming involved in the Chamber of Commerce, and any other city event.

6) What types of uses surround the site? Explain how the proposal is compatible with the surrounding area and how it is not detrimental to the future development of the area, or the health, safety, or welfare of the inhabitants of the City.

**Insert Response:** There are bars and restaurants in our building and on our block. I believe our business will be a great asset to the area, and will fit in with the surrounding businesses we will provide a healthier alternative to traditional Cigarettes, and even promote Quitting altogether.

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations

which are satisfied by the functions  $u_i(x, y, z)$  and  $v_i(x, y, z)$  in the domain  $D$  of the space  $E_3$ .

It is shown that the system of equations is solvable in the domain  $D$  if and only if the functions  $f_i(x, y, z)$  and  $g_i(x, y, z)$  satisfy certain conditions.

**City Council  
Agenda Item  
6C**

# COMMUNITY DEVELOPMENT DEPARTMENT

**To:** Mayor and City Council, Through City Manager, Manuel Esquibel

**Prepared By:** Aaron Clark, Planning Technician

**Requested Action:** Hold a Public Hearing and Consider the Conditional Use Application for the 4 Seasons Early Learning Center.

**Requested Council Date:** April 15, 2014

## Statutory or Municipal Code Process Requirements (in order):

1. Hold a Public Hearing;
2. Consider a Resolution to approve a Conditional Use.

## Statutory or Municipal Code Notification Requirements:

CUP	Owner Notice Letter	Newspaper Publication	Property Posting
Required	Min. 15 day notice	Min. 15 day notice	15 Day Notice
Actual	Sent: <b>March 26, 2014</b>	Published: <b>March 26, 2014</b>	Posted March 26, 2014
	To: Property owners within 300' of subject property	In: <u>Brighton Standard Blade</u>	
	20 day notice <sup>1</sup>	20 day notice (from 1 <sup>st</sup> pub.) <sup>1</sup>	20 Day Notice
<b>Footnotes:</b>			
1	The day the notice is posted/mailed/sent is not included in the number provided, but the day of the hearing is included in the number provided (considered a full day of notice).		

## Review and Sign-Off:

<input type="checkbox"/>	Planning Manager, AICP, Jason Bradford
<input type="checkbox"/>	Community Development Director, AICP, Holly Prather
<input type="checkbox"/>	City Attorney, Margaret Brubaker
<input type="checkbox"/>	City Manager, Manuel Esquibel

## PLANNING DIVISION STAFF REPORT

**To:** Mayor and City Council  
Through City Manager, Manuel Esquibel

**Reviewed By:** Holly Prather, AICP, Community Development Director  
Jason Bradford, AICP, Planning Division Manager

**Prepared By:** Aaron Clark, Planning Technician

**Date Prepared:** March 17, 2014

**Meeting Date:** April 15, 2014

**Requested Action:** Hold a Public Hearing to review and consider a Resolution for the Conditional Use Application for the Property addressed as 420 S. 27<sup>th</sup> Avenue (Child Care Center)

### PURPOSE:

Per Section 17-8-60 of the City of Brighton's Land Use and Development Code, an application for a Conditional Use must be presented before the City Council at a Public Hearing along with a Resolution approving, approving with conditions or denying the conditional use application.

### BACKGROUND INFORMATION:

The First Presbyterian Church property at 420 S. 27<sup>th</sup> Avenue is zoned PUD (Planned Unit Development). Under this PUD, a "church and school" are the only permitted uses, while a child care facility is considered a Conditional Use. The applicant, Jackie Archer, on behalf of the owner, First Presbyterian Church, is requesting approval of a conditional use application for the establishment of a child care center at the existing school building on the property. The child care center will not be a church operation, but a separate program.

The proposed hours of operation for the child care center are Monday through Friday, 6:00AM-6:30PM. The facility will not operate on weekends. At full occupancy, 44 students and 8 staff will use 4 Seasons Early Learning Center. Based on the age distribution of the children to be cared for at the center, the structure will not require a fire sprinkler system.

### PUBLIC INQUIRY:

A notice of the public hearing was mailed to property owners within 300' of the subject property, published in the *Brighton Standard Blade*, and posted on the property, for no less than fifteen (15) days prior to the date of the public hearing. Staff has not received any public comment in regards to this project, as of the date that this report was written.



**CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM:**

- Comprehensive Plan:

The Comprehensive Plan designates this area as being appropriate for residential uses, of which childcare centers are an important component. The proposed land use complies with the intended land uses for this property and will serve the community with expanded childcare choices for Brighton's citizens.

- Land Use and Development Code:

The Conditional Use application was submitted in accordance with the requirements of a Conditional Use submittal. Three (3) conditions have been recommended on the land use proposal, in order to protect the health, safety and welfare of the citizens of Brighton.

The recommended conditions are as follows:

- That the childcare center at all times shall meet all applicable local, county, state and federal guidelines regarding the operation of a childcare center.
- That a written parking agreement between the legal representative of the 4 Seasons Early Learning Center and the First Presbyterian Church, permitting users of the child care center to park in the church lot be provided to the City (as updated as necessary).
- That no pick-up or drop-off of children attending the child care facility shall occur along those segments of South 27<sup>th</sup> Avenue and Southern Street that abut the Property. Pick-up and drop-off of children shall only take place in the parking lot of the church or child care center.

**OPTIONS FOR COUNCIL'S CONSIDERATION:**

- Approve the request for a Conditional Use in whole or in part, with or without modifications and conditions.
- Continue the request for a Conditional Use.
- Deny the request for a Conditional Use (with specific findings in support thereof).

**STAFF FINDINGS:**

This proposal must go through the Conditional Use process, since the Property is designated as a PUD that specifically requires it. However, child care centers often partner with church facilities, and are contemplated as appropriate accessory uses on church properties. Typically, as churches are usually located in commercial zones, a child care center would be a use-by-right. However, since this particular PUD requires it, the child care center must follow the conditional use process. The building in which the Applicant wishes to operate a child care center was constructed specifically for that use. Council has approved a conditional use for a childcare center on this property before, in 1986. The church itself ran a child care center on this property until 2012.

The child care center will need to be reviewed and approved by the state, prior to obtaining a license to operate a child care center.

Staff finds the Conditional Use application to be in conformance with the Comprehensive Plan, and with the requirements for a Conditional Use submittal as described in the Land Use and Development Code; therefore, a draft resolution has been attached for Council's consideration.

**ATTACHMENTS:**

- Vicinity Map
- Draft Resolution with Conditions
- Applicant Questionnaire Responses

**BRIGHTON CITY COUNCIL RESOLUTION**

**4 SEASONS EARLY LEARNING CENTER  
(420 S. 27<sup>TH</sup> AVENUE)**

**CONDITIONAL USE**

**RESOLUTION NO.:** \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING, WITH CONDITIONS AS SET FORTH HEREIN, A CONDITIONAL USE FOR A CHILDCARE FACILITY AT THE FIRST PRESBYTERIAN CHURCH PROPERTY ADDRESSED AS 420 S. 27<sup>TH</sup> AVENUE, BRIGHTON, COLORADO (TO BE KNOWN AS THE '4 SEASONS EARLY LEARNING CENTER').**

***WHEREAS***, the Applicant, Jackie Archer, of 4 Seasons Early Learning Center, is requesting approval of a conditional use application for the establishment of a child care center at the existing building, addressed as 420 S. 27<sup>th</sup> Avenue, as more particularly described in Exhibit A, attached hereto; and

***WHEREAS***, a notice of the April 15<sup>th</sup>, 2014 City Council public hearing was posted on the subject property, and a notice of the public hearing was mailed to the owners of all properties located within 300 feet of the subject property, for not less than fifteen (15) days prior to the public hearing, pursuant to the Land Use and Development Code; and

***WHEREAS***, a public notice of the City Council public hearing was published in the *Brighton Standard Blade* on Wednesday, March 26<sup>th</sup>, 2014, for not less than fifteen (15) days prior to such hearing, pursuant to the City of Brighton's Land Use and Development Code; and

***WHEREAS***, the City Council finds that pursuant to the City of Brighton's Land Use and Development Code, a Conditional Use is an additional use of land that may be allowed with restrictions deemed necessary upon approval of the City Council, and that approval thereof is subject to the City's Conditional Use procedures and criteria; and

***WHEREAS***, the Conditional Use application meets the City of Brighton's Land Use and Development Code, as applicable to a Conditional Use submittal; and

***WHEREAS***, the City Council finds and determines that sufficient justification exists to approve the requested Conditional Use, so long as certain specific conditions are placed on said approval, as more specifically provided herein.

***NOW THEREFORE***, Be It Resolved by the City of Brighton City Council as follows:

1. The Conditional Use request for the establishment of a child care center at the existing building, addressed as 420 S. 27<sup>th</sup> Avenue, is hereby approved with the following \_\_\_\_ ( ) conditions:
  - a. That the 4 Seasons Early Learning Center, as approved herein, shall at all times and in all respects comply with all applicable local, county, state and federal requirements and regulations regarding the operation of a child care facility.
  - b. A written parking agreement between the legal representative of the 4 Seasons Early Learning Center and the First Presbyterian Church shall be provided to the City (and updated as appropriate) permitting customers and staff of the child care center to use the First Presbyterian Church Parking Lot.
  - c. No pick-up or drop-off of children for the child care center shall occur along those segments of Southern Street and South 27<sup>th</sup> Avenue that abut the Property; all pick-up and drop-off shall be conducted in the parking lot of the 4 Seasons Early Learning Center.
  - d. Approval of this conditional use application shall not run with the land and is limited to the operation of a child care center (4 Seasons Early Learning Center) at the existing building addressed as 420 S. 27<sup>th</sup> Avenue, Brighton, Colorado, as more particularly described in Exhibit A, attached hereto.

**RESOLVED**, this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

**CITY OF BRIGHTON, COLORADO  
CITY COUNCIL**

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Richard N. McLean, Mayor

**ATTEST:**

---

Natalie Hoel, City Clerk

**APPROVED AS TO FORM:**

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Margaret R. Brubaker, Esq.  
City Attorney

## **Exhibit A**

### **Legal Description**

That part of the southwest one-quarter of Section 9, Township 1 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, Adams County, Colorado, described as:

Beginning at the west one-quarter corner of said Section 9; thence S00°13'02"E on a bearing shown on the recorded plat of Brighton Church of Christ Subdivision, Adams County, Colorado a distance of 30.00 feet; thence N89°51'34"E a distance of 144.00 feet to the True Point of Beginning; thence S00°13'02"E parallel with the east R.O.W. line of South 27<sup>th</sup> Avenue a distance of 150.00 feet; thence N89°51'34"E a distance of 80.00 feet; thence N00°13'02"W a distance of 150.44 feet to a point on the south R.O.W. line of Southern Street, said point being on a curve; thence along said curve to the right, having a delta angle of 02°07'55", a radius of 630.00 feet, a chord that bears S88°47'35"W, 23.44 feet; and an arc length of 23.44 feet; thence S89°51'34"W continuing along said south R.O.W. line of Southern Street a distance of 56.56 feet to the True Point of Beginning.

Contains: 12,003 square feet or 0.275 Acres more or less.

## **Questionnaire**

*(Conditional Use)*

1. This property will be use for a child care center, to provide each child a secure, nurturing, educational child care experience that fosters self-discovery, a love of learning and a positive self-esteem through our balanced approach.

2. *A.)* Based on full occupancy:

- (20) preschooler
- (24) Pre-K
- 1 Director
- 1 Director Assistant
- 2 Opening Teachers
- 2 Mid-Day Teachers
- 2 Closing Teachers
- Totals= 44 students and 8 Staff members.

*B.)* 8 to 10 Employees...8 staff maximum at the site at one time.

*C.)* Monday through Friday- 6:00 a.m.-6:30 p.m.

- 1 Director 6:00 a.m.
- 1 Teacher 6:30 a.m. to 1:30 p.m.
- 1 Teacher 7:00 a.m. to 2:00 p.m.
- 2 Teachers 8:00 a.m. to 4:00 p.m.
- 2 Teachers 11:00 a.m. to 6:00 p.m.
- 1 Assistant 12:00 p.m. to 6:30 p.m.

*D.)* No new construction

*E.)* No Vehicles/No Transportation Provided

**F.)** One small shed located near the playground. The usage is for the storing of outdoor toys.

3. **A.)** The center will only be open 6:00 a.m. to 6:00 p.m. providing the care for children in our community.

**B.)** Center's Location is on the corner Southern and 27<sup>th</sup>. The entrance to the building is on 27<sup>th</sup> Ave.

**C.)** Yes there is off street parking. There are 10 stalls and 1 Handicap. There is also lots of parking at the church.

**D.)** There is a six foot chain-link fence surrounding the playgrounds and the entrance of the building. We have sidewalks to and around the building. There is sand and gravel in the playgrounds. In the third playground there is a section of grass. Grass is also located on the out skirts of the building.

**E.)** Building is 1650 sq.ft and it's all brick exterior. One story and sets back off the corner of 27<sup>th</sup> Southern.

**F.)** There is usable open space on the west side of the building but do to it not fenced and it sets off of the street, we will not allow the children to use this space do to being unsafe. There is plenty of outdoor space for the children on our designated playgrounds.

**G.)** Our sign is wood posted with our logo, address, phone number and days and times of operation.

**H.)** We have two scheduled times the children are outside. There one in the morning and the other in the afternoon. Recess is scheduled for 45 minutes.



4. The building in question is design and has been zoned for a child care. The church has always provided care for the children in the community. I will continue to use the facility as a child care to provide children the proper safe, nurturing and with the education the community our children deserve.
5. As stated above, my comprehensive plan is to establish the community and its families with a partnership to build a foundation for children which become a facilitator to social, emotional, physical and academic development.
6. Primary residential and a church. Having a child care in the community will provide the security to our parents that their child is close and is receiving the proper care and education they need to become successful in their future of learning.



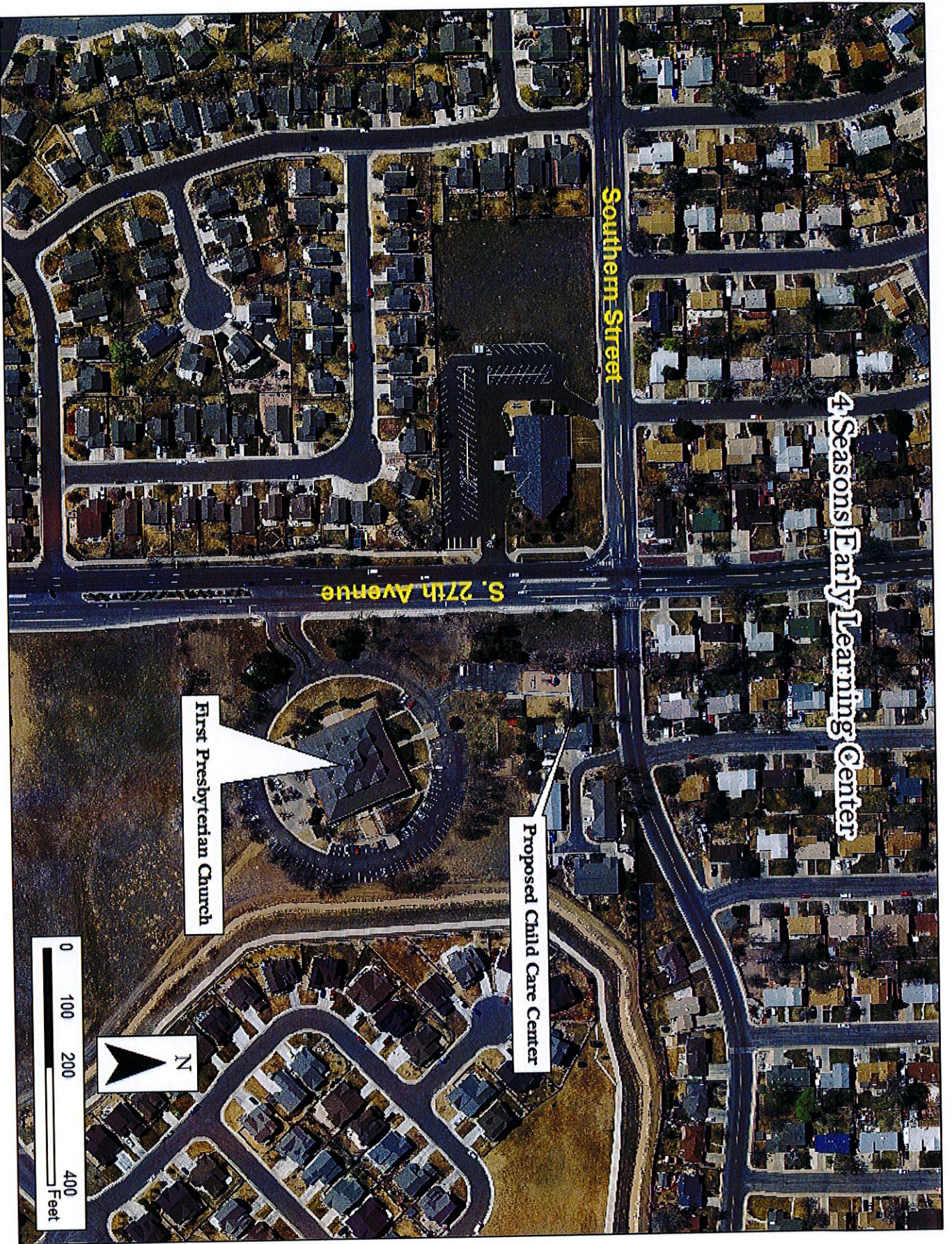
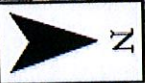
4 Seasons Early Learning Center

Southern Street

S. 27th Avenue

Proposed Child Care Center

First Presbyterian Church





**City Council  
Agenda Item  
8A**

# ***OFFICE OF THE CITY CLERK***

<b>To:</b>	<i>Mayor and City Council Members Manuel Esquibel, City Manager</i>
<b>Prepared By:</b>	<i>Natalie Hoel, City Clerk</i>
<b>Date Prepared:</b>	<i>April 10, 2014</i>
<b>Reference:</b>	<i>“Emeritus” Member Board Appointment for the Brighton Historic Preservation Commission.</i>

## **PURPOSE:**

To appoint by Resolution Wayne Scott as an “Emeritus” member to the Brighton Historic Preservation Commission.

## **BACKGROUND:**

In 2010, the City Council approved an amendment to the Municipal Code, setting forth criteria and process for the appointment of persons as an “Emeritus” position on certain Boards and Commissions. The designation as an “Emeritus” is made by the Mayor, with the approval of the City Council, and approved by resolution.

The City Council has received a nomination by the Historic Preservation Commission, requesting that Wayne Scott be designated as an “Emeritus” on the Historic Preservation Commission. If appointed, Mr. Scott would serve a three (3) year term to April 15, 2017.

## **COUNCIL ACTION:**

Attached is a draft Resolution to make the appointment, together with a copy of the nominating letter.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO  
ACCEPTING THE RECOMMENDATION OF THE HISTORIC PRESERVATION  
COMMISSION AND APPOINTING WAYNE SCOTT TO THE “EMERITUS” POSITION ON  
THE HISTORIC PRESERVATION COMMISSION; SPECIFYING THE TERM FOR SUCH  
APPOINTMENT; AND SETTING FORTH OTHER DETAILS RELATED THERETO.**

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, on or about September 7, 2010, the City Council approved and adopted Resolution No. 2010-103, creating an “Emeritus” position for certain City Boards and Commissions; and

**WHEREAS**, the City Council is in receipt of a letter from the Historic Preservation Commission (“HPC”), dated April 7, 2014, recommending that Wayne Scott be appointed to an “Emeritus” position on the HPC, consistent with the terms and conditions of Resolution No. 2010-103; and

**WHEREAS**, the City Council finds and determines that Wayne Scott has served honorably as a member of the HPC and possesses the unique characteristics, experience and heart for service that are central to the position of an “Emeritus” designation; and

**WHEREAS**, the City Council further finds and determines that the appointment of Wayne Scott as an “Emeritus” will benefit the HPC and its continuing work for the benefit of the citizens of Brighton.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:**

1. Wayne Scott is hereby appointed to the “Emeritus” position on the Historic Preservation Commission.
2. The term of appointment shall be three (3) years, effective this date.
3. As an “Emeritus” Wayne Scott shall attend the HPC meetings, and may provide input, participate in discussions, act as a volunteer consultant, but shall not vote or participate in an executive session, and shall not be counted toward the establishment of a quorum.
4. No other appointment of an “Emeritus” to the HPC may be made during the term in which Wayne Scott is serving.

**RESOLVED THIS 15<sup>th</sup> DAY OF April, 2014.**

**CITY OF BRIGHTON, COLORADO**

\_\_\_\_\_  
Richard N. McLean, Mayor

ATTEST:

\_\_\_\_\_  
Natalie Hoel, City Clerk

APPROVED AS TO FORM.

\_\_\_\_\_  
Margaret R. Brubaker, Esq.  
City Attorney



**22 South 4th Avenue, Brighton, CO 80601**

April 7, 2014

Mayor & City Council  
City of Brighton  
500 South 4<sup>th</sup> Ave.  
Brighton, CO 80601

Dear Mayor & City Council,

The City of Brighton Historic Preservation Commission would like to extend an offer of Emeritus member to former City Council representative Wayne Scott.

We thank you for your cooperation in dealing with this matter.

Respectfully,

Joseph Burt  
Chair, Brighton Historic Preservation Commission

CC: Manuel Esquibel

**City Council  
Agenda Item  
9A**

*STAFF REPORT*

To: Mayor McLean and Members of the City Council through City Manager, Manuel Esquibel  
From: Dan Frelund, Finance Director  
Date: April 10, 2014  
Subject: Approve amendments to 2014 Budget

**PURPOSE:** To amend the 2014 Budget for the WaterSmart Grant

**BACKGROUND/HISTORY:** Council and the Manager have directed staff to increase efforts to engage our customers and promote sustainable water practices. To this end, the City has offered several outreach activities ranging from visiting classrooms and attending public events such as CultureFest and EcoFair. The City is holding a seminar series early this month for customers interested in learning about xeriscaping and taking care of turf in a semi-arid climate. The Garden-in-a-Box program has opened for 2014 and is already getting a good response, and the water efficient appliance rebate is available again this year.

Most of the current conservation outreach activities focus on reaching large groups of people. Staff has historically struggled with reaching individual customers on a personal basis. The WaterSmart Pilot Program should help to bridge that historic gap.

The WaterSmart Pilot Program is multifaceted. The primary interaction the customers will see is a bi-monthly letter from the City that will let the customer know how they are doing on their water usage in comparison to similar neighbors. The attached document shows a sample of what the customer might see. The letter will also give specific water conserving ideas and promote various City events or rebates that might be of interest to the customer. If the customer would like to, they may also access their data on an interactive web portal. They can type in specific information about their household in order to narrow down what conservation activities might make the biggest impact in their specific case.

City staff will also have a web portal that is full of helpful tools to assist staff in assisting customers who call in looking for ways to decrease their water usage and/or water bill. It will also track water usage on a grand scale to determine how effective the conservation program has been.

The City presented the program to the Colorado Water Conservation Board (CWCB) and received a grant award letter for the WaterSmart Pilot Program totaling \$47,750.



**CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM:** All changes to the adopted budget must be made by a Supplemental Budget Appropriation or a Budget Re-Appropriation resolution.

**BUDGET IMPACT:** There is money available in the various Funds to cover the proposed budget amendments.

**OPTIONS FOR COUNCIL'S CONSIDERATION:** Approve the budget amendments as presented, amend or deny.

**STAFF RECOMMENDATIONS:** Approve the following budget amendments:

The Water Fund be amended in the following accounts:

Revenues:

Grant from Colorado Water Conservation Board	\$47,750
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Total	47,750
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Expenditures:

Professional Services	\$47,750
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Total	47,750
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**CITY OF BRIGHTON, COLORADO**

**A RESOLUTION PROVIDING FUNDS FOR A 2014 SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF FORTY SEVEN THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$47,750) FOR THE WATERSMART PILOT PROGRAM.**

Resolution No. \_\_\_\_\_

**WHEREAS**, authority is granted by sections 29-1-109 and 29-1-111 of the Colorado Revised Statutes and Section 10.12 of the City of Brighton, Colorado Charter to amend the adopted budget for the current fiscal year; and

**WHEREAS**, those adjustments to the 2014 Budget which are necessary for the 2014 City operations could not have been reasonably foreseen at the time of the adoption of the 2014 Budget; and

**WHEREAS**, the City Council has been advised by the City Manager that the revision to the 2014 Budget as contained within this resolution can adequately be implemented as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Brighton, Colorado that:

The Utilities Funds be amended in the following accounts:

The Water Fund amended in the following accounts:

Revenues:

Grant from Colorado Water conservation Board	\$47,750
Total	47,750

Expenditures:

Professional Services	\$47,750
Total	47,750

**ADOPTED** this 15th day of April, 2014.

**CITY OF BRIGHTON, COLORADO**

\_\_\_\_\_  
Richard N. McLean, Mayor

**ATTEST:**

\_\_\_\_\_  
Natalie Hoel, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Margaret R. Brubaker, City Attorney

**City Council  
Agenda Item  
9B**

*STAFF REPORT*

To: Mayor McLean and Members of the City Council through City Manager, Manuel Esquibel  
From: Dan Frelund, Finance Director  
Date: April 10, 2014  
Subject: Approve amendments to 2014 Budget

**PURPOSE:** To amend the 2014 Budget for the 2014 Comprehensive Rate and Fee Study for Utility Services.

**BACKGROUND/HISTORY:** City Council adopted the Utility Department Business Plan in September of 2013. In order to fully succeed at the expectations created through the adoption of the Business Plan, the Department must take a close look at each of the adopted goals and assess the financial requirements needed to accomplish these goals. Therefore, the Utility Department is solicited bids for a consultant who could take a fresh look at the Water, Sewer, and Storm Drainage Funds rate and fee structures and in particular assess the rate and fee structures' adequacy for accomplishing the goals of the Business Plan. The total anticipated costs for this project is \$63,800.

**CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM:** All changes to the adopted budget must be made by a Supplemental Budget Appropriation or a Budget Re-Appropriation resolution.

**BUDGET IMPACT:** There is money available in the various Funds to cover the proposed budget amendments.

**OPTIONS FOR COUNCIL'S CONSIDERATION:** Approve the budget amendments as presented, amend or deny.

**STAFF RECOMMENDATIONS:** Approve the following budget amendments:

The Water Fund be amended in the following accounts:

Revenues:

Transfer from Fund Balance	\$28,710
Total	28,710

Expenditures:

Professional Services	\$28,710
Total	28,710

The Sewer Fund be amended in the following accounts:

Revenues:

Transfer from Fund Balance	<u>\$28,710</u>
Total	28,710

Expenditures:

Professional Services	<u>\$28,710</u>
Total	28,710

The Storm Drainage Fund be amended in the following accounts:

Revenues:

Transfer from Fund Balance	<u>\$6,380</u>
Total	6,380

Expenditures:

Professional Services	<u>\$6,380</u>
Total	6,380

*STAFF REPORT*

To: Mayor McLean and Members of the City Council through City Manager, Manuel Esquibel  
From: Dan Frelund, Finance Director  
Date: April 10, 2014  
Subject: Approve amendments to 2014 Budget

**PURPOSE:** To amend the 2014 Budget for the 2014 Comprehensive Rate and Fee Study for Utility Services.

**BACKGROUND/HISTORY:** City Council adopted the Utility Department Business Plan in September of 2013. In order to fully succeed at the expectations created through the adoption of the Business Plan, the Department must take a close look at each of the adopted goals and assess the financial requirements needed to accomplish these goals. Therefore, the Utility Department is solicited bids for a consultant who could take a fresh look at the Water, Sewer, and Storm Drainage Funds rate and fee structures and in particular assess the rate and fee structures' adequacy for accomplishing the goals of the Business Plan. The total anticipated costs for this project is \$63,800.

**CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM:** All changes to the adopted budget must be made by a Supplemental Budget Appropriation or a Budget Re-Appropriation resolution.

**BUDGET IMPACT:** There is money available in the various Funds to cover the proposed budget amendments.

**OPTIONS FOR COUNCIL'S CONSIDERATION:** Approve the budget amendments as presented, amend or deny.

**STAFF RECOMMENDATIONS:** Approve the following budget amendments:

The Water Fund be amended in the following accounts:

Revenues:

Transfer from Fund Balance	<u>\$28,710</u>
Total	28,710

Expenditures:

Professional Services	<u>\$28,710</u>
Total	28,710

The Sewer Fund be amended in the following accounts:

Revenues:

Transfer from Fund Balance	<u>\$28,710</u>
Total	28,710

Expenditures:

Professional Services	<u>\$28,710</u>
Total	28,710

The Storm Drainage Fund be amended in the following accounts:

Revenues:

Transfer from Fund Balance	<u>\$6,380</u>
Total	6,380

Expenditures:

Professional Services	<u>\$6,380</u>
Total	6,380

## CITY OF BRIGHTON, COLORADO

### **A RESOLUTION PROVIDING FUNDS FOR A 2014 SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF SIXTY THREE THOUSAND EIGHT HUNDRED DOLLARS (\$63,800) FOR THE 2014 COMPREHENSIVE RATE AND FEE STUDY FOR UTILITIES SERVICES.**

Resolution No. \_\_\_\_\_

**WHEREAS**, authority is granted by sections 29-1-109 and 29-1-111 of the Colorado Revised Statutes and Section 10.12 of the City of Brighton, Colorado Charter to amend the adopted budget for the current fiscal year; and

**WHEREAS**, those adjustments to the 2014 Budget which are necessary for the 2014 City operations could not have been reasonably foreseen at the time of the adoption of the 2014 Budget; and

**WHEREAS**, the City Council has been advised by the City Manager that the revision to the 2014 Budget as contained within this resolution can adequately be implemented as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Brighton, Colorado that:

The Utilities Funds be amended in the following accounts:

The Water Fund amended in the following accounts:

Revenues:

Transfer from Fund Balance	\$28,710
Total	28,710

Expenditures:

Professional Services	\$28,710
Total	28,710

The Sewer Fund be amended in the following accounts:

Revenues:

Transfer from Fund Balance	\$28,710
Total	28,710

Expenditures:

Professional Services	\$28,710
Total	28,710

The Storm Drainage Fund be amended in the following accounts:

Revenues:

Transfer from Fund Balance	\$6,380
Total	6,380

Expenditures:

Professional Services	\$6,380
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Total

6,380

**ADOPTED** this 15th day of April, 2014.

**CITY OF BRIGHTON, COLORADO**

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Richard N. McLean, Mayor

**ATTEST:**

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Natalie Hoel, City Clerk

**APPROVED AS TO FORM:**

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Margaret R. Brubaker, City Attorney



**Finance Department  
Division of Procurement and Contracts  
Staff Report**

Reference: *Award the 2014 Comprehensive Rate and Fee Study for Utility Services to Willdan Financial Services in the not to exceed amount of Fifty Eight Thousand Dollars (\$58,000.00) - RFP #14-003*

To:	Mayor Richard N. McLean and Members of City Council		
Through:	Manuel Esquibel, City Manager		
<input type="checkbox"/> Finance Reviewed:	_____	<input type="checkbox"/> Regular Council Agenda Date:	_____
<input checked="" type="checkbox"/> Attorney Reviewed:	_____	<input type="checkbox"/> Resolution / Ordinance #	_____
<input type="checkbox"/> Publication Dates:	_____		
Prepared By:	Sharon L. Williams, Procurement & Contracts Manager Sarah Borgers, Assistant Director of Utilities		
Through:	Clint Blackhurst, Interim Director of Utilities		
Date Prepared:	April 7, 2014		

**PURPOSE**

City Council approval is being requested for a formal proposal for the 2014 Comprehensive Rate and Fee Study for Utility Services to the firm having the requisite expertise and experience to perform the required Services, and approving the resolution giving the Mayor authority to sign the contract. Municipal Code Section 3.08.090, ". . . All bids and proposals in excess of \$50,000 shall be awarded through formal written procedures by the City Council."

**BACKGROUND/HISTORY**

City Council adopted the Utility Department Business Plan in September of 2013. The Utilities Department Vision Statement was adopted as a part of this document:

*"To ensure the public health and safety of our community by providing financially sustainable high quality utility service, reliable infrastructure, and the proactive, innovative use of our resources."*

With this guiding principle in mind, the Business Plan spells out nine essential goals for the Department:

- Investing in Essential Infrastructure
- Conserving our Water Resources
- Optimizing Operations and Maintenance
- Planning and Growing Responsibly
- Protecting our Environment
- Building and Training Our Workforce
- Providing High Quality of Service
- Enhance Understanding and Support
- Improving Financial Viability

In order to fully succeed at the expectations created through the adoption of the Business Plan, the Department must take a close look at each of the adopted goals and assess the financial requirements needed to accomplish these goals.

For this reason and per the request of Council, the Utilities Department, through the Finance Department's Procurement Division, solicited bids for a consultant who could take a fresh look at the Water, Sewer, and Storm Drainage Funds' rate and fee structures and in particular assess the rate and fee structures' adequacy for accomplishing the goals of the Business Plan.

The consultant will be required to assess not only the rate and fee structure in terms of income to the Utility Funds but also the equity of fees amongst various customer categories and the structures' impacts on water conservation.

Formal RFP's were competitively solicited by Procurement & Contracts with proposals being received on January 27, 2014 at 4:00pm for the 2014 Comprehensive Rate and Fee Study for Utility Services with five (5) firms submitting proposals for this project.

Proposal received:

Willdan Financial Services	NewGen Strategies & Solutions	Raftelis Financial Consultants
Arcadis-U.S. Inc. (Red Oak)	RG and Associates LLC	

The firms of Willdan Financial Services, NewGen Strategies & Solutions, Raftelis Financial Consultants, Inc., and Arcadis-U.S. Inc. (Red Oak) were invited to interview with the project team comprised of two members from the Utilities Department, City Manager's Office, a representative from South Adams County Water and Sanitation District, and Procurement & Contracts. The criteria used for the evaluation and final recommendation of the interviewed firms included:

- The firms interview;
- The degree to which the proposal meets or exceeds the terms of the RFP;
- Responsiveness to the needs of the City, both in time to complete and the scope of services offered;
- Responsibility of the proposing firm and its experience in dealing with municipal governments in projects of similar size, scope and nature;
- Results of reference checks and past performance for other clients; and
- The proposing firm's fee (not-to-exceed cost) structure based on the Services to be provided.

In completing the evaluation of the submitted proposals including the information received at the interviews and the references checked the firm of Willdan Financial Services was selected by the project team as the firm best meeting the evaluation criteria as set forth above.

### ***FINANCIAL IMPACT***

Funding was approved in the Supplemental Budget Appropriation for the completion of the 2014 Comprehensive Rate and Fee Study for Utility Services. The design services are a portion of this budget amount. The proposal from Willdan Financial Services is within the budgeted amount.

**STAFF RECOMMENDATION**

In completing the review and evaluation of this proposal the recommendation is to award to the firm having the requisite expertise and experience to perform the required Services of Willdan Financial Services in the amount of Fifty Eight Thousand Dollars (\$58,000.00) for 2014 Comprehensive Rate and Fee Study for Utility Services. Willdan Financial Services is in good standing with the State of Colorado.

**OPTIONS FOR COUNCIL CONSIDERATION**

- Approval as presented
- Reject
- Require new proposals be prepared

**Attachments:**

- Resolution
- RFP Fee Proposals

# RESOLUTION

RESOLUTION NUMBER: \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS UTILITIES ENTERPRISE, ACCEPTING THE PROPOSAL OF WILLDAN FINANCIAL SERVICES AND AWARDING THE CONTRACT FOR THE 2014 COMPREHENSIVE RATE AND FEE STUDY FOR UTILITY SERVICES, RFP #14-003, IN AN AMOUNT NOT TO EXCEED FIFTY EIGHT THOUSAND DOLLARS (\$58,000.00), AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY.

*WHEREAS*, pursuant to Section 17.7 of the City of Brighton Charter, "The Council shall establish by ordinance procedures requiring competitive bidding for contracts for the procurement of services, equipment, and supplies. Any such ordinance may provide exclusions from the competitive bidding requirements for contracts below an amount specified in the ordinance, for the types of contracts specified in the ordinance, and for the types of services, equipment or supplies specified in the ordinance"; and

*WHEREAS*, Chapter 3.08 of the Brighton Municipal Code, sets forth the requirements and procedures for purchasing of supplies or services and contracting for public works or professional services; and

*WHEREAS*, the City published a notice inviting proposals through its formal process for completion of the 2014 Comprehensive Rate and Fee Study for Utility Services; and

*WHEREAS*, funding was approved in the Supplemental Budget Appropriation for the 2014 Comprehensive Rate and Fee Study for Utility Services in the amount of \$63,800; and

*WHEREAS*, Willdan Financial Services, submitted a proposal for the project which has been reviewed by the City; and

*WHEREAS*, the City believes that Willdan Financial Services has held itself out to the City of Brighton as having the requisite expertise and experience to perform the required Services for the Project; and

*WHEREAS*, the City believes that it is in the best interests of the City to accept the proposal of Willdan Financial Services in the amount of Fifty Eight Thousand Dollars (\$58,000.00), to award the contract for the 2014 Comprehensive Rate and Fee Study for Utility Services to Willdan Financial Services, in an amount not to exceed Fifty Eight Thousand Dollars (\$58,000.00), and to authorize the Mayor to sign the contract on behalf of the City.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:**

1. That Willdan Financial Services has the requisite expertise and experience to perform the required Services for the Project; and

2. That the Proposal of Willdan Financial Services in the amount of Fifty Eight Thousand Dollars (\$58,000.00), is hereby approved; and
3. That the Contract for the 2014 Comprehensive Rate and Fee Study for Utility Services is hereby awarded to Willdan Financial Services for 2014 Comprehensive Rate and Fee Study for Utility Services in the amount not to exceed Fifty Eight Thousand Dollars (\$58,000.00); and
4. That the Mayor is hereby authorized to sign the contract with Willdan Financial Services on behalf of the City and attested to the City Clerk.

**RESOLVED**, this 15th day of April, 2014.

**CITY OF BRIGHTON, COLORADO  
CITY COUNCIL**

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Richard N. McLean, Mayor

**ATTEST:**

---

Natalie Hoel, City Clerk

*Approved as to Form:*

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Margaret R. Brubaker, Esq., City Attorney